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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,993	04/20/2001	Charles A. Jennings	392531	2725

7590 07/08/2004

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EXAMINER

GECKIL, MEHMET B

ART UNIT 2142

PAPER NUMBER

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/838,993	JENNINGS, CHARLES A. <i>SC</i>	
	Examiner Mehmet B. Geckil	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 April 2001.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-147 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) \_\_\_\_\_ is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) 1-147 are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

1. Claims 1-147 are presented for examination.
2. Restriction to one of the following inventions is required under 35 U.S.C. § 121:
  - I. Claims 1-44, 66-69, 77-117, 136-137, and 147 drawn to a system for streaming media comprising a media switch comprising a stream caster, a routing processor and a management system including reservation particulars, reservation server configured to gather statistical information, and using domain name system protocol, classified in Class 709, subclasses 223 and 238.
  - II. Claims 45-59, 70-72, 118-135, 138, and 140-142, drawn to a system for streaming media to a viewer including media rules comprising one member of a group comprising an age restriction, a geographic restriction; a play list comprising one member of a group comprising a banner advertisement, movie media clip, a cable media series clip, sporting event; a capacity rule; a load rule a session rule and NRP log, classified in Class 709, subclass 231.
  - III. Claims 73-76 and 143-146 drawn to a system for processing media requests comprising e-commerce particulars including a rule for indicating settlement for streamed media; order rule to generate a settlement record; credit rule; debit rule, classified in Class 705, subclass 52.
  - IV. Claims 60-65 drawn to a reservation state model for streaming media including a media switch model; a routing state model; and a management state model particulars classified in Class 725, subclass 95.
3. The inventions are distinct, each from the other because of the following reasons:  
Inventions I - IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as it is usable by a system for streaming media comprising a media switch comprising a stream caster, a routing processor and a management system including reservation particulars, reservation server configured to gather statistical information, and using domain name system protocol, classified in Class 709, subclasses 223 and 238 which lacked the particulars of groups II-IV. Invention II has separate utility such as a system for streaming media to a viewer including media rules comprising one member of a group comprising an age restriction, a geographic restriction; a play list comprising one member of a group comprising a banner advertisement, movie media clip, a cable media series clip, sporting event; a capacity rule; a load rule a session rule and NRP log, classified in Class 709, subclass 231 which lacked the particulars of groups I and III-IV. Invention III has separate utility such as a system for processing media requests comprising e-commerce particulars including a rule for indicating settlement for streamed media; order rule to generate a settlement record; credit rule; debit rule, classified in Class 705, subclass 52 which lacked the particulars of groups I-II and IV. Also, invention IV has separate utility such as a reservation state model for streaming media including a media switch model; a routing state model; and a management state model particulars classified in Class 725, subclass 95 which lacked the particulars of groups I-III. See M.P.E.P. § 806.05(d).

4. Because these inventions are distinct for the reasons given above and because the search required for each group is different and not co-extensive for examination purpose because these groups would require different searches on PTO's classification class and subclass e.g.  
a) the Group I search (claims 1-44, 66-69, 77-117, 136-137, and 147) would require use of search class 709, subclass 223 (which would not required for the Groups II-IV);  
b) the Group II search (claims 45-59, 70-72, 118-135, 138, and 140-142) would require use of class 709 subclass 231 (which would not be required for the Groups I and III-IV);  
c) the Group III search (claims 73-76 and 143-146) would require use of class 705 subclass 52 (which would not be required for the Groups I-II, and IV); and  
d) the Group IV search (claims 60-65) would require use of class 725 subclass 95 (which would not be required for the Groups I-III). Therefore restriction for examination purposes as indicated is proper.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (703) 305-9676. The examiner can normally be reached on Monday through Friday from 6:30 A.M. to 3:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Jack Harvey, can be reached on (703) 305-9705. The fax phone numbers for the organization where this application or proceeding is assigned are listed hereinbelow.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800/4700. Customer service number is (703) 306-5631.

**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to:**

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

7/6/04

MEHMET B. GECKIL  
PRIMARY EXAMINER

*Mehmet Geckil*